

July 15, 2013

***Via Electronic Filing***

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
12th Street Lobby – TW-A325  
Washington, D.C. 20554

***Re: Notice of Ex Parte Presentation  
MD Docket Nos. 13-140, 12-201, 08-65***

Dear Ms. Dortch:

In its July 11, 2013 ex parte letter, the Independent Telephone & Telecommunications Alliance (“ITTA”) fails to provide any reasonable basis for subjecting wireless regulatees to ITSP regulatory fees.<sup>1</sup> The Commission should reject the proposal to incorporate wireless regulatees into the ITSP regulatory fee category.

First, it is undisputed that the wireless industry supports a greater portion of the Commission’s budget than any other industry segment, including wireline carriers. In addition to wireless regulatory fee payments, spectrum auction revenues cover roughly 20 percent of the Commission’s budget – \$98.7 million in the Commission’s FY2013 budget. ITTA suggests that the spectrum auction revenue contributions to the Commission’s budget are merely “part of the cost of developing a wireless network,”<sup>2</sup> but wireline carriers do not contribute to the Commission’s budget when they deploy fiber for their networks. The Commission must look at *all* relevant facts concerning contributions to the FCC’s budget when considering regulatory fee reforms, unlike ITTA’s myopic approach of ignoring any data that does not support its position.

Second, ITTA’s reliance on the Commission’s decision to include interconnected VoIP providers in the ITSP regulatory fee is also misguided and uninformed.<sup>3</sup> Prior to that decision, interconnected VoIP providers were not subject to any regulatory fees – unlike wireless regulatees who have been paying regulatory fees since their inception. In fact, wireless regulatees that provide interconnected VoIP service also separately pay ITSP regulatory fees based upon their VoIP end user revenues.<sup>4</sup> Thus, any attempt to equate the Commission’s reasoning for applying ITSP fees to interconnected VoIP services with why wireless services should be subject to ITSP fees is simply wrong.

Finally, Congress was well aware that voice services were provided over both wireless and wireline facilities when it established separate fee categories for wireline

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<sup>1</sup> See Letter from Micah M. Caldwell, ITTA, to Marlene H. Dortch, Secretary, FCC, MD Docket Nos. 13-140, 12-201, 08-65 (July 11, 2013) (“ITTA Ex Parte”).

<sup>2</sup> *Id.* at 3.

<sup>3</sup> See ITTA Ex Parte at 3-4.

<sup>4</sup> See, e.g., Clearwire Corporation Reply Comments at 3, MD Docket Nos. 13-140, 12-201, 08-65 (July 26, 2013).

and wireless regulatees. As the record demonstrates, any perceived similarities between wireless and wireline services do not negate the fact that these services are provided and regulated in very different ways.<sup>5</sup> ITTA does not – and indeed cannot – identify any change in law or regulation that would allow the Commission to make a “permitted amendment” to the regulatory fee schedule to include wireless regulatees in the ITSP fee category pursuant to Section 9(b)(3) of the Communications Act.<sup>6</sup>

Pursuant to Section 1.1206 of the Commission’s rules, this letter is being electronically filed via ECFS with your office. Please let the undersigned know if you have any questions regarding this filing.

Sincerely,

*/s/ Krista Witanowski*

Krista Witanowski  
AVP Regulatory Affairs  
CTIA – The Wireless Association®

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<sup>5</sup> See, e.g., AT&T Comments at 3, MD Docket Nos. 13-140, 12-201, 08-65 (July 19, 2013); CTIA Comments at 8.

<sup>6</sup> 47 U.S.C. § 159(b)(3).